



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
200 Vesey Street, Brookfield Place, Room 400
New York, New York 10281-1022

John J. Graubard
Senior Trial Counsel

Phone: 212-336-0084
E-mail: graubardj@sec.gov

June 13, 2017

VIA ECF

Hon. Gary R. Brown
United States Magistrate Judge
United States Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *Securities and Exchange Commission v. Barton, et al.*, 2:17-cv-00403-JS-GRB (E.D.N.Y.)

Dear Judge Brown:

I represent plaintiff Securities and Exchange Commission in this matter, particularly regarding collection matters related to the four settled defendants in this case – Raymond H. Barton, William G. Goode, Matthew Charles Briggs, and Kenneth Manzo – against whom the Court previously entered final judgments (the “Final Judgments”). No settlement has been reached with the fifth defendant in this case, Justin Sindelman. We believe that the Court’s stay order entered today should apply only to the Commission’s pending action against Sindelman.

Earlier today your Honor entered two Orders in this action:

1. Granting a stay of this action until September 30, 2017 in response to the Commission’s letter of May 31, 2017 (DN 23); and
2. Denying without prejudice the Commission’s Motion for Leave for Electronically File Document under Seal (DN 24), with leave to renew after the stay is lifted (“Seal Motion”).

The Commission respectfully requests that your Honor clarify the stay order and vacate the denial, without prejudice, of the Motion to File under Seal.

The Court entered the Final Judgments against settled defendants Barton, Goode, Briggs, and Manzo. These judgments, in part, require these defendants to pay disgorgement, prejudgment interest, and civil penalties. The Seal Motion applies only to the four settled defendants, not to defendant Sindelman.

Hon. Gary R. Brown
United States Magistrate Judge
June 13, 2017
Page 2

The proceedings to enforce the Final Judgments against Barton, Goode, Briggs, and Manzo are entirely separate and distinct from those seeking to obtain a judgment against Sindelman, and this will not in any way affect or impair Mr. Sindelman's rights or his ability to defend this action following the conclusion of the criminal action against him. In addition, some of actions the Commission seeks to take with respect to the enforcement of these judgments involve time-sensitive issues.

The Commission therefore requests that your Honor clarify that the stay applies only as to Mr. Sindelman, and that no stay exists as to the enforcement of the Final Judgments against Barton, Goode, Briggs, and Manzo. The Commission further requests that your Honor vacate the denial without prejudice as to the Commission's Motion to File under Seal (DN 24), and that either your Honor or Judge Seybert consider the same on its merits.¹

Respectfully,

/s/ **John J. Graubard**
John J. Graubard
Senior Trial Counsel

cc: Mr. Justin Sindelman

¹ Due to the subject matter of the Commission's Motion to File under Seal (DN 24), the Commission is not referring to its content in this public filing.